

PLANNING COMMISSION

June 22, 2011

Action Report

ROLL CALL

Meeting:

PRESENT: Commissioners Abelite, Bit-Badal, Cahan, Jensen, Kamkar, Kline, and Platten

ABSENT: None

1. DEFERRALS

None

2. CONSENT CALENDAR

- a. **CP10-066.** Conditional Use Permit to allow a social service agency within an existing industrial building in the LI-Light Industrial Zoning District on a 1.74 gross acre site located on the west side of Giguere Court 450 feet northerly of Las Plumas Avenue (651 GIGUERRE CT)(DBL Partners, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MONIZ*

APPROVED (7-0-0)

- b. **CP11-019.** Conditional Use Permit to allow a drinking establishment associated with a public eating establishment with after-midnight use, and an approximately 2,720 square-foot addition (patio, cooler, trash enclosure, vestibules, mechanical area) on a .19 gross-acre site in the CG General Commercial Zoning District, located on the south side of Saratoga Avenue between Atherton and West Campbell Avenues (1620 SARATOGA AV)(Fr Westgate Mall LLC, Owner). Council District 1. SNI: None CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM*

APPROVED (7-0-0)

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

3. PUBLIC HEARING

- a. **CP11-022 & ABC11-005.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcohol, limited to beer and wine, at a full service grocery store located in an existing 36,560 square-foot tenant space in a 4.11 gross-acre shopping center in the CN-Commercial Neighborhood Zoning District, located on the southwest corner of Almaden Expressway and Branham Lane (1130 Branham Lane) (Branham Square LLC, Owner/Sunflower Farmers Market, Developer). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, J.NUSBAUM*

DENIED (7-0-0)

- b. **PDC10-025.** A Planned Development Rezoning from the R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow for the development of up to 96 multi-family residential units on a 4.30 gross acre site, located at the northeast corner of N. Capitol Avenue and Sierra Road (1328 N. Capitol Avenue) (Orlando William Jr Trustee & Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.XAVIER*

RECOMMENDED APPROVAL AS REQUESTED BY THE APPLICANT, INCLUDING REDUCED SETBACK, AND THE ADDITION OF MORE TREES AND THE ELIMINATION OF BALCONIES ALONG THE NORTHERN PROPERTY LINE AS PRESENTED BY THE APPLICANT (4-3-0; CAHAN, JENSEN, KAMKAR OPPOSED)

- c. **ORDINANCE AMENDMENT.** An ordinance of the City of San Jose amending Title 1 of the Municipal Code by amending Section 1.13.050 of Chapter 1.13 to exempt a lawful Medical Marijuana Collective from the definition of a public nuisance and amending Title 20 of the San Jose Municipal Code by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.5 to Chapter 20.80, adding a new Part 13 to Chapter 20.100, and amending Section 20.100.200 of Chapter 20.100, all to establish land use regulations pertaining to Medical Marijuana Collectives and to establish a related Zoning Verification Certificate process. CEQA: Negative Declaration, File No. PP11-039. *PROJECT MANAGER, L.PREVETTI*

CONTINUED THE HEARING TO JULY 27, 2011 AND AGENDIZED AN INFORMATIONAL DISCUSSION, INCLUDING TITLE 6 OF THE SAN JOSE MUNICIPAL CODE FOR JULY 13, 2011, RECOMMENDED APPROVAL (6-1-0; PLATTEN OPPOSED)

4. PETITIONS AND COMMUNICATIONS

None

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

None

6. GOOD AND WELFARE

a. Report from City Council

Assistant Director Prevetti informed the Commission that City Council, on appeal, approved the off-sale of alcohol at a full service grocery store, Mi Pueblo Market.

b. Commissioners' Report from Committees:

1. Norman Y. Mineta San José International Airport Noise Advisory Committee (Cahan)

No meeting

2. Envision San José 2040 General Plan Update Process (Kamkar)

Next Meeting in August

c. Review and Approve Synopsis from 6-8-11

Approved (6-0-1; Platten Abstained)

d. Subcommittee Formation, Reports, and Outstanding Business

No Report.

e. Commission Calendar and Study Sessions

1. Add Study Session on September 28, 2011 regarding Demographic and Economic Trends

- *September 28, 2011 - Study Session on Demographic and Economic Trends*
- *September 28, 2011 - General Plan Hearing (in addition to regular session)*